IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4700/2004

DR. PRAKASH BIHARI LAL MATHUR VS.

STATE OF RAJASTHAN & ANR.

Date: 16.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ajay Tantia for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The petitioner was retired from service on 30.09.96 after attaining superannuary age. After retirement the petitioner was promoted as Sr. Veternary Officer against the year 1995-96. The review DPC was held and the said promotion was made on the basis of the orders dated 08.01.2002, 16.08.99 and 25.08.99 judgment passed by this Court and the Rajasthan Civil Services Appellate Tribunal.

It is not disputed that the respondents have issued an order dated 07.12.2002 in compliance of the order dated 09.07.2002 whereby pay scale of the petitioner was determined under Rule 26(A) of the Rajasthan Service Rules, 1958 and his salary was fixed in pay scale of Rs. 2200-4000 and was granted notional benefits since 31.03.1996.

Now the only grievance of the petitioner is that instead of granting notional benefits with effect from the year 1995, he has been given the benefit w.e.f. 31.03.96. It is also contended on behalf of the petitioner that he is entitled for all the benefits of pay scale since 01.04.95, as are granted to the junior person Shri Keshav Raj Joshi. After serving notice for demand of justice, the petitioner has preferred this writ petition.

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned order as well as the order of compliance, by which notional benefits are granted to the petitioner w.e.f. 31.03.1996.

The petitioner has given the illustration of of one Shri Keshav Raj Joshi, junior than the petitioner who has been given the benefit w.e.f. 01.04.95.

It is for the respondents to consider this aspect and in case Shri Keshav Raj Joshi is junior than the petitioner, then certainly the petitioner is also entitled to get the benefits from the date on which Shri Keshav Raj Joshi has been given the benefits i.e. 01.04.95.

Thus, in view of the aforesaid observations, the respondents are directed to consider the case of the petitioner qua with the case of Shri Keshav Raj Joshi and in case the petitioner is found senior than Shri Keshav Raj Joshi, he is also entitled to get the notional benefits w.e.f. 01.04.1995.

The writ petition stands disposed of in the terms as indicated herein above.

(K.S. RATHORE),J.

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